

DISMISSAL AND NOTICE OF RIGHTS

To: **Brenda K. Leavy**
5036 Overview Ridge Court
Memphis, TN 38141

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

490-2019-00267

Rodney E. Phillips,
Investigator

(501) 324-6473

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐


Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**


On behalf of the Commission

JUL 31 2019

Enclosures(s)

William A. Cash, Jr.,
Area Office Director

(Date Mailed)

cc: **Lisa Lewis**
Attorney
FEDEX CORP.
942 S. Shady Grove rd
Memphis, TN 38120

Amanda Garland
Attorney
THE CRONE LAW FIRM
88 Union Ave.
Memphis, TN 38103



***U.S. Equal Employment Opportunity Commission
Memphis District Office***

1407 Union Avenue
Suite 900
Memphis, TN, 38104
(901) 544-0119
TTY (800) 669-6820
Fax: (901) 544-0111

CONFIDENTIALITY AGREEMENT

EEOC NUMBER: 490-2019-00267

- 1. I agree to participate voluntarily in mediation in an effort to resolve the charge(s) filed with the EEOC.*
- 2. I agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.*
- 3. Any communications between the ADR Coordinator and the mediator(s) and/or the parties are considered dispute resolution communications with a neutral and will be kept confidential.*
- 4. I agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party in any pending or future administrative or judicial proceeding. The parties further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.*
- 5. Mediation sessions will not be tape-recorded or transcribed by the EEOC, the mediator or any of the participants. All information including all notes, records, or documents generated during the course of the mediation shall be destroyed at the conclusion of the session. Parties or their representatives are not prohibited from retaining their own notes. However, EEOC will not maintain any such notes or records as part of its record keeping procedures.*
- 6. If a settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the charge(s) is not resolved through mediation, it is understood by the parties that the charge(s) will be transferred to the investigative unit for further processing.*

Signed digitally by Brenda Leavy

02-20-2019 10:55 AM EST

Charging Party

Date

Ms. Brenda K Leavy

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

199-2019-00267

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Brenda K. Leavy

Home Phone (incl. Area Code)

(901) 791-2078

Date of Birth

1963

Street Address

City, State and ZIP Code

50316 Overview Ridge Cove, Memphis, TN 38141

Name of the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than one, list under PARTICULARS below.)

Name

FEDEx CORPORATION

No Employees, Members

500 or More

Phone No. (Include Area Code)

(901) 818-7510

Street Address

City, State and ZIP Code

90 FedEx Parkway, First Floor Vertical, Collierville, TN 38017

Name

No Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

10-05-2018**10-05-2018**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired on June 15, 1992 and my position at separation was Executive Administrative Assistant.**My position was eliminated on October 5, 2018 due to alleged staff effectiveness. No other Executive Assistants in the dept. were selected for iph elimination. I was the only Black Executive Administrative Assistant. I was also the only employee with a known disability. The Vice President, Karen Galambos made bias disability comments after my disability diagnosis.****I believe that I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended; my disability in violation of the Americans with Disabilities Act Amendments Act; and my age (55) in violation of the Age Discrimination in Employment Act.**

I warrant this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Feb 15, 2019

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X. Brenda K. Leavy

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

Feb 15, 2019, G. Allen Hammond, Sr. Investigator